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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,688	04/16/2004	Zvi Bleier	148/8X3CIP	9580
27538	7590	06/15/2006	EXAMINER	
KAPLAN GILMAN GIBSON & DERNIER L.L.P. 900 ROUTE 9 NORTH WOODBRIDGE, NJ 07095			SHAFER, RICKY D	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

(2)

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/826,688	BLEIER ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Ricky D. Shafer	2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5,7,8 and 10-32 is/are pending in the application.
- 4a) Of the above claim(s) 15-19 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,7,8,10-14,20,21,23,25 and 28 is/are rejected.
- 7) Claim(s) 22,24,26,27 and 29-32 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/02/2006 has been entered.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5, 7, 8 and 10-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 3-4, the use of the language "wherein said first...reflective surfaces" is vague, indefinite and/or confusing. It is unclear to the examiner whether the first mounting surface is substantially perpendicular to the first reflective surface, the second reflective surface or to both of the first and second reflective surfaces. Similarly, it is unclear whether the second mounting surface is substantially perpendicular to the first reflective surface, the second reflective surface or to both of the first and second reflective surfaces. Thus, the metes and bounds of the claim is unclear.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 5, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Taggart ('501).

To the extent the claims are definite, Taggart discloses a roof mirror assembly comprising first and second mirror panels (20) comprising first and second reflective surfaces (32) and first and second mounting surfaces (22), respectively, wherein said first mounting surface (element 22 of the top right side panel, shown in Fig. 2) is substantially perpendicular to the second reflective surface (element 22 of the top left side panel, shown in Fig. 2), wherein said second mounting surface (element 22 of the bottom right side panel, shown in Fig. 2) is substantially perpendicular to the first reflective surface (element 22 of the bottom left side panel, shown in Fig. 2), wherein said first and second mirror panels are joined together so that said first and second reflective surfaces are substantially perpendicular to each other (see figures 1-3); at least one mounting block (28, 30) comprising at least one opening extending through a portion thereof (the hole of element 30 disposed on the top right side panel or the hole of element 30 disposed on the bottom left side panel, shown in figures 2 and 6); and at least one mounting pin (the portion of element (28) disposed on the top left side panel or the portion of element (28) disposed on the bottom right side panel, shown in Fig. 6) which is received within said at least one opening of said at least one mounting block, wherein said at least one mounting pin is attached within said opening to said at least one mounting block and is attached to at least one of said first or second mounting surfaces of said first or second mirror panels, wherein said at least one mounting block being first and second mounting blocks and said at least one mounting pin being at least first and

second mounting pins, and wherein the first and second edges (16) of said mirror panels are joined together to create a joint of 45 degrees. Note figures 1 to 6 along with the associated description thereof.

5. Claims 1, 3, 5, 10, 20, 21, 23, 25 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Masutani ('363).

To the extent the claims are definite, Masutani discloses a roof mirror assembly comprising first and second mirror panels (16a, 16b) comprising first and second reflective surfaces (the surfaces that receives light L1 and L2, respectively) and first and second mounting surfaces (the back surfaces which element 14 engages), respectively, wherein said first mounting surface (the back face of element 16a, shown in Fig. 1) is substantially perpendicular to the second reflective surface (the reflective surface of element 16b, shown in Fig. 1), wherein said second mounting surface (the back face of element 16b, shown in Fig. 1) is substantially perpendicular to the first reflective surface (the reflective face of element 16a, shown in Fig. 1), wherein said first and second mirror panels are joined together so that said first and second reflective surfaces are substantially perpendicular to each other (see column 18, lines 46-48); at least one mounting block (12b) comprising at least one opening extending through a portion thereof; and at least one mounting pin (14) which is received within said at least one opening of said at least one mounting block, wherein said at least one mounting pin is attached within said opening to said at least one mounting block and is attached directly to at least one of said first or second mounting surfaces of said first or second mirror panels and a back plate member (5) attached below the mounting block, wherein said at least one mounting pin having a length and a cross-sectional diameter along the entire length that is sized to be able to be received within said

at least one opening of said at least one mounting block and wherein the first and second edges (16) of said mirror panels are joined together to create a joint of 45 degrees. Note figures 1, 2, 23 and 24 along with the associated description thereof.

6. Claims 2, 7, 8 and 12-14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

7. Claims 22, 24, 26, 27 and 29-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

June 10, 2006

*Ricky D. Shafer*  
RICKY D. SHAFER  
PATENT EXAMINER  
ART UNIT 2872